IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3366 OF 1994

Yeshwant Narsingh Rairikar, .. Petitioner
Vs
1. Bhikaji Shripad Phadnis
and ors. .. Respondents
Mrs Shakuntala A.Mudbidri, for the petitioner. (absent).
Ms Sawant, i/b Mr N.D.Hombalkar for respondent nos 2 and 3.

CORAM : D.B.BHOSALE, J.

DATE : MARCH 18, 2005.

P.C.

1. This petition is directed against the order dated 26.4.1994 passed below applications-Exhibit Nos.94 and 95 in Regular Darkhast No.120 of 1990 and for quashing of Regular Darkhast No.120/90 pending in the Court of the learned Civil Judge, Jr.Dn., Kolhapur. The impugned order dated 26.4.1994 reads thus :

> "Heard both sides. Perused papers and bailiff report. J.D.No.2 has submitted the key of lock. However, advocate for D.H.submitted that there is every possibility of changing the lock. Perhaps lock may not be opened by the submitted key. Taking into

consideration all these aspects, issue possession warrant as prayed under Order 21 Rule 35(3) of C.P.Code".

2. This Court, while admitting the writ petition on 13.9.1994, recorded in the order that as per the affidavit filed by respondent no.3, the petitioner had handed over the possession of the property in pursuance of the order dated 26.4.1994. Hence, while admitting the petition, no interim order was passed by this Court. This petition was placed before the Court on 23.2.2004 when none appeared for the parties. Hence, it was adjourned for two weeks. Even today when the matter was called out, none appears for the petitioner. Considering the order passed by this Court while admitting the writ petition on 13.9.1994, it appears that the petitioner has lost interest in the petition and, therefore, nobody is appearing on his behalf. The writ petition is, therefore, dismissed for nonprosecution.

(D.B.Bhosale, J.)